United Nations S/2016/618

Security Council

Distr.: General
18 July 2016

Original: English

Note verbale dated 13 July 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

The Permanent Mission of the Republic of South Sudan to the United Nations presents its compliments to the President of the Security Council for the month of July 2016, and attaches herewith the official response, dated 13 July 2016, of the Council of Ministers of the Transitional Government of National Unity to the communiqué of the Council of Ministers of the Intergovernmental Authority on Development (see annex).

We would appreciate it if the response of the Transitional Government of National Unity could be circulated as a document of the Security Council.

16-12370 (E) 260716

Please recycle

Annex to the note verbale dated 13 July 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Response dated 13 July 2016 of the Council of Ministers of the Transitional Government of National Unity to the communiqué of the Council of Ministers of the Intergovernmental Authority on Development

1. The Council of Ministers of the Transitional Government of National Unity held an extraordinary meeting, No. 02/2016, on 12 July 2016 and listened inter alia to a briefing from the Minister of Foreign Affairs and International Cooperation on the communiqué of the Council of Ministers of the Intergovernmental Authority on Development (IGAD) during its fifty-sixth extraordinary session on South Sudan, held on 11 July 2016 in Nairobi. The Council resolved to respond to the IGAD communiqué.

2. The Council further acknowledges the IGAD communiqué and expresses its sincere gratitude for its continuous concern about the political and security situation in the Republic of South Sudan. Furthermore, it expresses its unreserved commitment to cooperate with the leadership of IGAD to stabilize the situation in the context of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS).

3. The fighting began on 7 July 2016, at the Lou Clinic security checkpoint. On 8 July 2016, it fully erupted in the Presidential Palace, followed by the 10 July 2016 fighting where the Sudan People's Liberation Army in Opposition (SPLA-I0) attacked a government force checkpoint and overran it. On 11 July 2016, government forces moved to recapture that post from SPLA-IO. The Lieutenant Colonel who shot security soldiers at the Lou checkpoint is the same officer who provoked the fight again in the Presidential Palace. The enclosure to the present annex provides a brief description of the events for fair judgment of the parties to the conflict.

4. Having highlighted the events related to the fight in Juba, in paragraph 3 above, the Council of Ministers:

(a) Believes that the IGAD Council of Ministers must now have a concrete appreciation of what actually happened;

(b) Maintains that the government forces did not target any United Nations compound, nor did they attempt to prevent civilians from getting protection. To the contrary, United Nations forces targeted Sudan People's Liberation Army (SPLA) soldiers advancing to the recapture their post from SPLA-IO and destroyed two T-72 tanks and killed several SPLA soldiers;

(c) The President showed undoubted control over the Presidential Guards and demonstrated responsibility for the safety of his colleagues, the First Vice President, the Vice President and other ministers, otherwise South Sudan would have been plunged into severe insecurity and a high potential for total return to war.

In addition to the point made above (para. 4 (c)), the President exercises full command and control over the SPLA forces as affirmed by the truce so far observed in Juba in response to Presidential Order No. 17/2016, issued 11 July 2016.

Juba is now calm, civilians are returning home, the army is withdrawing to their respective barracks, security checkpoints have been reduced to only essential areas and messages of calm and reconciliation are being issued to the public from the Office of the President and through the Council of Ministers.

5. With regards to the demands outlined in the IGAD Council of Ministers Communiqué, the Council of Ministers of the Transitional Government of National Unity makes the following response:

(a) **On the ceasefire**: The Council confirms that the President issued an Order, as referred to earlier (No. 17/2016, issued 11 July 2016), declaring a cessation of hostilities between SPLA and SPLA-IO effective instantly from 6 p.m. with unequivocal orders to all SPLA Commanders.

The President sent additional messages to all Commanders reiterating the return of all SPLA soldiers to their respective barracks and calling on the forces to protect civilians and their property, protect any ethnic groups as well as any SPLA-IO who surrender to SPLA and limit security checkpoints to only essential and important government installations and institutions.

(b) **On Juba International Airport**: The Council of Ministers affirms that Juba International Airport was never closed to be reopened. It admits the Airport witnessed a temporary interruption for outgoing and incoming flights. However, since the issuance of the presidential order for cessation of hostilities, Juba International Airport commenced operations effectively from 12 July 2016 and continues to operate peacefully and unabated.

The normal functioning of the Airport has not been compromised. Hence the concern expressed in the IGAD communiqué regarding protection of the Airport is not justified.

(c) **On the immediate return of all forces and weapons to barracks**: The Council confirms with delight that this concern has been addressed as explained in paragraph 5 (a) above.

(d) **On opening humanitarian corridors**: Open delivery of humanitarian assistance and secure delivery corridors have always been a high priority policy of the government since the eruption of the conflict on 15 December 2013.

It remains a cornerstone policy of the Transitional Government of National Unity, which has been reinforced by Presidential Orders to all the Governors of the States of South Sudan and SPLA Commanders to remove illegal roadblocks and allow unhindered delivery of humanitarian assistance to those in need all over the country.

The Ministry of Humanitarian Affairs and Disaster Management, in collaboration with the Relief and Rehabilitation Commission, has developed a plan of action to implementation of chapter III of ARCSS on humanitarian assistance and reconstruction. This plan is now the subject of discussion between the Ministry, the Commission, United Nations humanitarian agencies and others to agree on the articulated strategic direction and plan of action on the subject.

(e) **On the revision of the mandate of the United Nations Mission in South Sudan (UNMISS)**: The Council recalls that the mandate of UNMISS was reviewed in November 2015 and that UNMISS currently has a force of over 12,000 troops.

As outlined earlier, fighting has come to an end and the security situation is returning to normalcy. Therefore, the Council sees no justification and strongly believes that the establishment of an Intervention Brigade is totally unwarranted and will actually complicate the situation and increase insecurity,

As for the demand of the IGAD Council of Ministers to increase troops to, inter alia, secure Juba, this is provided for in chapter II, article 5 of ARCSS. With the current improvement in the security situation in Juba, the Council again sees no reason for this demand.

(f) **On accountability of those responsible for the breakdown of law and order**: The President of the Republic issued a Republican Order (No. 16/2016, effective 8 July 2016) for the formation of an Investigation Committee to investigate the incidents, which started with the fight on 7 July 2016.

The Minister of Interior is the Chairperson, assisted by the Minister of National Security as Secretary, and with the membership of five senior officers from both sides. The same Committee will equally investigate the incident of 8 July 2016. The committee is given the option to co-opt any relevant member or members. The Transitional Government of National Unity awaits the report of the Committee and its recommendations.

(g) **On the implementation of the security arrangements as enshrined in ARCSS**: The Council had hoped that former President Festus Mogae, Chairperson of the Joint Monitoring and Evaluation Commission, would brief the IGAD Council of Ministers on the progress already made on the implementation of the security arrangements.

However, the Council confirms that since the commencement of the implementation of the Agreement, many parts of chapter I, on the permanent ceasefire and transitional security arrangements, have been undertaken. These include the formation of: (i) the Joint Military Ceasefire Commission (JMCC); (ii) the Ceasefire and Transitional Security Arrangement Monitoring Mechanism (CTSAMM); (iii) the Strategic Defense and Security Review Board; and (iv) the Joint Integrated Police.

In addition the Council made several resolutions on the release of prisoners of war and detainees, cantonment areas in Greater Upper Nile and Greater Equatoria, the verification of cantonment areas in Greater Bahr-el-Ghazal and directives given to JMCC and CTSAMM to immediately implement those resolutions.

In conclusion

(a) The Council of Ministers of the Transitional Government of National Unity reiterates its appreciation of the concerns raised by the IGAD Council of Ministers and underlines its commitment to cooperate with IGAD and the entire international community to ensure security in Juba specifically and South Sudan in general.

(b) The Council regrets the unfortunate fighting that erupted on 7 July 2016, nearly three months after the establishment of the Transitional Government of National Unity, assures IGAD that the Agreement on the Resolution of the Conflict in the Republic of South Sudan is the only valuable instrument for peace in South Sudan and calls on IGAD to continue providing support.

(*Signed*) Martin Elia **Lomuro**
Minister of Cabinet Affairs

Enclosure

Statement of facts on the fighting that erupted in the Republic of South Sudan on 7, 8, 10 and 11 July 2016, respectively

6. The Council of Ministers of the Transitional Government of National Unity wishes to make a brief statement of facts regarding the unfortunate fighting that erupted on 7 July and continued until 11 July 2016, as follows:

(a) On Thursday 7 July 2016, at approximately 7.45 p.m., Lieutenant Colonel David Rieu from the Sudan People's Liberation Army in Opposition (SPLA-IO) shot dead five people (two National Security, two Military Intelligence and a medical doctor passing by) conducting routine security checks at a checkpoint near Lou Clinic, a distance from the centre of Juba Town, in preparation for the fifth Independence Celebration day.

(b) The following day, on Friday, 8 July 2016, the President called on the First Vice President and the Vice President for a meeting in the Presidential Palace (J-1) to discuss how to de-escalate the situation.

(c) On 8 July 2016, it was observed that the First Vice President came to the meeting with a convoy of 20 Land Cruiser Picks, estimated to be carrying over 300 well-armed soldiers. The meeting, nevertheless, commenced and continued undisturbed to the point where the three leaders made credible resolution on the way forward, except for a few minor points that were to be ironed out the at 11 a.m. on Saturday, 9 July 2016.

(d) Before the three leaders could conclude their meeting in the President's meeting Hall, gunshots rained unabated at the Southern Gate to J-1. Despite all that happened, the President issued a Republic Order, No. 17/2016, for an immediate cessation of hostilities with immediate effect from the date of the signature, as from 6 p.m. GMT, 11 July 2016.

(e) The three leaders were taken by surprise and caught unaware as to the cause of the shooting that was taking place inside, outside and around the Palace. Indeed, they were paralysed and unable to control the situation until the Minister of National Security intervened.

(f) As the Presidential Guards gradually contained the assault, it finally transpired that Lieutenant Colonel David Rieu of SPLA-IO, who shot dead the five people on Thursday, 7 July 2016, had imposed himself to enter the Palace and, upon resistance by the Presidential Guards, shot dead First Lieutenant Kouch Kouch, and that ignited the fighting.

(g) As the President took control of the situation, the First Vice President revealed that the lieutenant colonel who ignited the fight was not among the officers who were to accompany him for the meeting.

(h) From there on, the President, throughout the hours of fighting:

(i) Personally protected the First Vice President and the Vice President in his office, and the three;

(ii) Called on his personal armoured vehicle to be brought from his residence, covered the First Vice President from reach by his own guards;

(iii) Opened the door for him and got him seated in the vehicle and then instructed the driver to take him safely up to the checkpoint at Lou Clinic so that he could walk to his residence under the protection of his own guards;

(iv) Before he was driven away, the President requested that he should call him to confirm that he had arrived safely. Indeed, the First Vice President called on arrival to his residence and thanked the President for the leadership he had shown to personally protect him during the unfortunate incident.

7. Prior to the evacuation of the First Vice President, the three leaders had agreed to meet on Saturday, 11 July 2016, at 11 a.m. to further discuss the aggravated situation, but since then the First Vice President is yet to confirm his intention to come for the meeting, although he has made contact with the President.

8. As we write this response, the President is patiently awaiting contact from his First Vice President in order to continue working with him and the other leaders of South Sudan to de-escalate the situation and focus in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan because it is the only sensible mechanism to return the country to political and security stability.